

AMENDED IN SENATE AUGUST 18, 2009

AMENDED IN ASSEMBLY JUNE 24, 2009

CALIFORNIA LEGISLATURE—2009–10 THIRD EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 35

Introduced by Assembly Member Hagman
(Principal coauthor: Assembly Member Torres)
(Principal coauthor: Senator Huff)

May 28, 2009

An act relating to the Chino Valley Unified School District, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 35, as amended, Hagman. Chino Valley Unified School District: minimum schoolday.

(1) Existing law prescribes the minimum length of time for the instructional school year and the minimum number of instructional minutes per schoolday. Existing law imposes fiscal penalties on school districts and county offices of education that fail to maintain those minimum instructional times per school year or schoolday.

This bill would deem the Chino Valley Unified School District to have offered the minimum number of days of instruction in the 2008–09 school year if the district meets specified conditions, including offering 10 additional schooldays between June 15, 2009, and ~~September 1, 2009~~ *July 1, 2011*.

(2) The California Constitution provides that a special statute is invalid in any case if a general statute can be made applicable.

This bill would declare that, due to unique circumstances applicable only to the Chino Valley Unified School District, a general statute cannot be made applicable and a special statute is necessary.

(3) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. For purposes of calculating the penalty pursuant
2 to subdivision (c) of Section 46200 of the Education Code, the
3 Chino Valley Unified School District shall be deemed to have
4 offered 180 days of instruction in the 2008–09 school year if the
5 school district:
6 (a) Operates grades 4 to 6, inclusive, in the Dickson Elementary
7 School and the Rolling Ridge Elementary School for 10 additional
8 schooldays between June 15, 2009, and ~~September 1, 2009~~ July
9 1, 2011, where each schoolday contains at least 240 instructional
10 minutes for each grade level.
11 (b) Maintains, for each of the 10 additional days of operation
12 and each school being operated, attendance equal to at least 75
13 percent of the 2008–09 total enrollment reported to the State
14 Department of Education for grades 4 to 6, inclusive, at that school.
15 (c) Reaches an agreement, concerning employee compensation
16 for the 10 additional days of operation, with each local bargaining
17 unit representing certificated or classified employees of the district.
18 (d) Provides a quality educational program during each of the
19 10 additional days of operation, that includes standards-aligned
20 instruction by highly qualified teachers, class sizes that are
21 approximately the same as those during the rest of the 2008–09
22 school year, and support services that are equivalent to those

1 provided during the rest of the 2008–09 school year. Those support
2 services shall include, but are not limited to, access to computers,
3 library services, counselors, and school nurses.

4 SEC. 2. The Legislature finds and declares that a special law
5 is necessary and that a general law cannot be made applicable
6 within the meaning of Section 16 of Article IV of the California
7 Constitution because of the unique circumstances of the Chino
8 Valley Unified School District.

9 SEC. 3. This act addresses the fiscal emergency declared by
10 the Governor by proclamation on December 19, 2008, pursuant
11 to subdivision (f) of Section 10 of Article IV of the California
12 Constitution.

13 SEC. 4. This act is an urgency statute necessary for the
14 immediate preservation of the public peace, health, or safety within
15 the meaning of Article IV of the Constitution and shall go into
16 immediate effect. The facts constituting the necessity are:

17 In order to resolve the matter involving the minimum schoolday
18 for grades 4 to 6, inclusive, in the Chino Valley Unified School
19 District and avoid serious economic hardship for the school district,
20 it is necessary that this act take effect immediately.

O